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ORDER EXCLUDING CHILDREN FROM SCHOOL ON ACCOUNT OF TRACHOMA UPHELD.

An order of a county board of health denying admission to school of children who had, or were suspected of having, trachoma, unless they were under treatment for the disease, has been upheld by the North Dakota Supreme Court.¹

The plaintiff petitioned for a writ of mandamus to compel the admittance to school of two children. The defense was that reputable physicians, one of them an officer of the United States Public Health Service, had found one of the children to be affected with trachoma and suspected that the other child had the disease. Other physicians testified in behalf of the petitioner that the children did not have trachoma. It appeared that the disease was prevalent in the county, and that as a result of a survey made by the United States Public Health Service a Government hospital had been established in the county, where trachoma patients could receive free treatment.

The lower court upheld the exclusion order and this action was affirmed by the appellate court. The supreme court stated in the opinion that "even conceding that it may be doubted in the instant case whether the children in question are affected, the doubt is one that must be resolved in favor of the authorities charged with the serious responsibility of preventing the spread of the disease. This is a case where mandamus does not issue as a matter of right, but where it will only issue in the exercise of a judicial discretion, and this discretion should not be exercised in a way that might result in needlessly exposing healthful children to a disease as serious as trachoma."

INJUNCTION TO RESTRAIN DISPOSAL OF GARBAGE BY CITY REFUSED.

The court of appeals of Maryland has refused to restrain the city of Baltimore from disposing of garbage on a farm owned by the city and situated outside of Baltimore.²

A temporary reduction plant to dispose of the garbage was to be erected by the city, and later a permanent piggery was to be established and the garbage fed to some 15,000 pigs to be kept thereon. Adjoining property owners brought suit, contending that this would result in a nuisance and destroy the value of their property.

The court of appeals decided in favor of the city and refused to issue an injunction, holding that sufficient facts had not been stated to satisfy the court that the apprehension was well founded so as to justify the court's interference.

¹ *Martin v. Craig et al.*, 173 N. W., 787.

² *Mayor and City Council of Baltimore et al. v. Sackett et al.*, 107 Atl., 557.